

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed on May 13, 2008. Claims 1-19 and 22-30 are pending. Claims 20-21 were cancelled previously. Claims 1-19 and 22-30 were rejected. Claims 1, 11, and 22 are amended herein. Support for the amendments to the claims can be found in the Specification as originally filed. In particular, examples of a sequential device communicatively coupled to a router are described in the Specification with reference to Figures 2-4. Examples of response data stored in a cache memory are described in the Specification with reference to Figures 5-6. Paragraphs 10-11 and 21 of the Specification describe providing the cached response data to prevent failure caused by the target device not being able to respond within a predetermined amount of time. Paragraph 22 of the Specification refers to one embodiment in which the SCSI protocol is used as the data communications protocol for the sequential device. No new matter is introduced. This Reply encompasses a bona fide attempt to fully respond to the Examiner's rejections. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Pursuant to Applicant Initiated Interview Request submitted on August 1, 2008 and revised on August 7, 2008, a telephonic interview was conducted on August 12, 2008 between Examiner Faruk Hamza, Applicant's representative Mr. William Moody, and Attorney Katharina Schuster. During the interview, the 35 U.S.C. §§ 101, 112, second paragraph, and 103(a) rejections set forth in the Office Action, differences between embodiments as claimed and the cited prior art, and possible amendments to the claims were discussed. It was proposed to amend claim 22 to embrace a single statutory class and to amend independent claims 1, 11, and 22 to at least clarify that the claimed target device is a sequential device and that the static or near static data about the target device comprises SCSI response data from the target device. The substance of the claim amendments presented herein is consistent with that which was discussed during the interview. Examiner Hamza indicated that the proposed amendments to claims 1, 11, and 22 would likely overcome the 35 U.S.C. §§ 101, 112, second paragraph, and 103(a) rejections, although an updated search would be conducted in view of the claim amendments. Applicant appreciates the time and effort taken by Examiner Hamza to review Applicant's present application and discuss the pending claims and the cited prior art.

Rejections under 35 U.S.C. § 101

Claim 22 was rejected under 35 U.S.C. § 101 for reciting two separate statutory classes of invention in a single claim. Claim 22 is amended herein to embrace a single statutory class of invention. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 112

Claim 22 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner held that claim 22 was ambiguously constructed and indeterminate in scope because it purports to claim both a product and a method. Claim 22 is amended herein to recite a product:

A computer readable storage medium, wherein the computer readable storage medium contains one or more instructions which are executable by a processor to cause a computer to perform:

storing static or near-static data about a target device in a cache memory coupled to a router, wherein the router is communicatively coupled to the target device, wherein the target device is a sequential device, wherein the static or near-static data about the target device comprises SCSI response data from the target device, and wherein the router and the target device reside on the network;

receiving a request for the static or near-static data about the target device;

reading the static or near-static data about the target device from the cache memory coupled to the router; and

providing the static or near-static data about the target device in response to the request to prevent failure caused by the target device not being able to respond within a predetermined amount of time.

Here, the one or more instructions which are executable by a processor are claimed in claim 22 as part of a statutory article of manufacture. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-19, 22, 26, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,950,864 ("Tsuchiya") in view of U.S. Patent No. 7,257,625 ("Wu"). Dependent claims 23-25 and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiya in view of Wu and further in view of U.S. Patent No. 6,950,864 ("Todd"). Although itself has no force of law, the *Manual of Patent Examining Procedure* (M.P.E.P.) restates the following law: If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, if independent claims 1, 11, and 22 are nonobvious under 35 U.S.C. §103, then dependent claims 2-10, 12-19, and 23-30 are also nonobvious.

As submitted during the aforementioned Examiner Interview on August 12, 2008, the combination of Tsuchiya and Wu does not teach or suggest independent claims 1, 11, and 22 under 35 U.S.C. § 103(a). In general, Tsuchiya is concerned with the caching of SNMP management objects. However, embodiments as claimed in claims 1, 11, and 22 are concerned with the caching of specific SCSI response data. Wu does not appear to teach or suggest caching SCSI response data from a sequential device. Moreover, the combination of Tsuchiya and Wu does not seem to be concerned with failure prevention. Contrastingly, embodiments as claimed in claims 1, 11, and 22 can prevent failures. During the aforementioned Examiner Interview on August 12, 2008, the Examiner indicated that particularly pointing out these differences would likely overcome the combination of Tsuchiya and Wu under 35 U.S.C. § 103(a). To forward prosecution and explicitly place the present application in a condition for allowance, claims 1, 11, and 22 are amended herein to recite, among others, "wherein the target device is a sequential device, wherein the static or near-static data about the target device comprises SCSI response data from the target device," and "providing the static or near-static data about the target device in response to the request to prevent failure caused by the target device not being able to respond within a predetermined amount of time." Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of claims 1-19 and 22-30. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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